

65474
Wimco Metals

Buchanan Ingersoll

THOMAS C. REED
562-1694

PROFESSIONAL CORPORATION
ATTORNEYS

58th FLOOR • 600 GRANT STREET
PITTSBURGH, PA 15219
412-562-8800
TELEX 866514 (BIPC PGH)
TELECOPIER 412-562-1041

July 30, 1987

RECEIVED
CERCLA REMOVAL ENFORCEMENT SECTION

AUG 3 1987

EPA - Region III

Richard J. Dulcey
USEPA Region III
CERCLA Removal Enforcement Section (3HW 14)
814 Chestnut Building, 6th Floor
Philadelphia, Pennsylvania 19107

Re: June 1, 1987 Inquiry/
Tonolli Corp.,
Nesquehoning, PA.

Dear Mr. Dulcey:

Wimco Metals Inc. ("Wimco") is a small company located in Pittsburgh, Pennsylvania.

Wimco has never had an ownership, leasehold or any other type of property interest in Tonolli Corp. ("Tonolli").

Wimco also never caused a hazardous substance to be disposed of or treated at Tonolli's Nesquehoning, Pennsylvania plant ("Plant").

During the period August 1977 through August 1985, however, Wimco did have business dealings with Tonolli. Acting primarily as a "broker", Wimco caused other suppliers to ship materials directly from their facilities to the Plant. Also during this period, Wimco directly sold, and shipped from its warehouse, small deliveries of material to the Plant.

To the best of Wimco's current knowledge, information and belief the materials which it "brokered" or shipped directly to the Plant during this period consisted entirely of batteries and lead which were shipped to the Plant in solid form.

The quantity of the products shipped to the Plant during this period, expressed in U.S. Tons, is set forth on the attachment.

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Wimco did maintain insurance coverage during this period and a copy of a representative policy is enclosed.

Wimco maintains copies of orders, invoices relating to its business dealings with Tonolli many of which were reviewed prior to responding to your inquiry. Copies of these records are maintained at 401 Penn Avenue, Pittsburgh, Pennsylvania, 15221. Should EPA wish to inspect and arrange for copying any of these materials it should contact me.

With respect to the request that Wimco provide a list of the companies which shipped materials which it "brokered" to the Plant, Wimco believes strongly that this information is highly "business confidential". This data, if disclosed as information supplied to you by Wimco, would enable others with whom Wimco competes to obtain an unfair business advantage. Not only would such disclosure constitute a disclosure of Wimco's customer and/or supplier list (a highly confidential business secret). This use of the requested information would severely damage Wimco's relationship with its existing (and future) customers and/or suppliers. Accordingly, although Wimco has compiled the requested information concerning companies that shipped materials to the Plant, it is unwilling to provide it until advised by EPA that it will not inform any third party that Wimco was the source of this information, i.e., that it will be afforded confidential treatment.

I can assure you that Wimco is willing to cooperate with EPA in this matter and that its position concerning its list of customers should not be viewed as intending to withhold any relevant information.

Please advise me at your earliest convenience as to whether EPA will agree to Wimco's request that it not be disclosed as the source of any information concerning other companies which may have involvement in this situation. Upon being so advised the requested information will be supplied forthwith.

Very truly yours,



Thomas C. Reed

TCR:jet

Enclosure

cc: Mr. Leonard Gross

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